

REMARKS/ARGUMENTS

The Pending Claims

Claims 15-20, 22-25, and 27-31 are currently pending, with claims 15-20, 22-25, 27, and 28 currently under examination, and claims 29-31 currently deemed withdrawn.

Reconsideration of the pending claims is respectfully requested.

Discussion of the Claim Amendments

Claim 15 has been amended to delete the terms “solvate, hydrate or a pharmacologically acceptable formulation.” Claim 15 has been further amended to recite that X and Y are both oxygen. Claims 21 and 26 have been canceled.

Claims 17, 29, and 31 have been amended to correct a typographical error.

No new matter has been added by way of these amendments.

Summary of the Office Action

The Office Action rejects claims 15-28 under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement for a solvate, hydrate, or pharmaceutically acceptable formulation of a compound of formula (I).

The Office Action objects to claims 15-28 as containing non-elected subject matter.

Discussion of the Section 112, First Paragraph, Rejection

As noted above, claim 15 has been amended to delete the terms “solvate, hydrate or a pharmacologically acceptable formulation.” Accordingly, the Section 112, first paragraph, rejection of claims 15-28 has been rendered moot and should be withdrawn.

Discussion of the Objection to Claims 15-28

Claim 15 has been amended to recite that X and Y are both oxygen by deletion of non-elected subject matter in response to the earlier restriction requirement. Claims 21 and 26

have been canceled. Accordingly, the objection to claims 15-28 has been rendered moot and should be withdrawn.

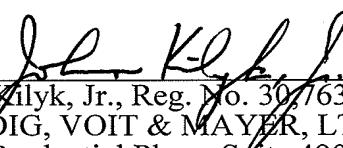
Request for Rejoinder of Method Claims

Applicants note that claims 29-31 are directed to a method of treating a patient comprising administering to a patient an effective amount of the compound of claim 15. As such, claims 29-31 contain all of the limitations recited in claim 15. Therefore, Applicants request rejoinder and examination of method claims 29-31 upon an indication of the allowability of product claim 15.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



John Kilyk, Jr., Reg. No. 30763
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: October 20, 2009